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Convention on the Rights of the Child

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Committee on the Rights of the Child
Sixty-eighth session

Summary record of the 1945th (Chamber A) meeting
Held at the Palais Wilson, Geneva, on Friday, 16 January 2015, at 10 a.m.

Chairperson: Ms. Sandberg

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties (*continued*)

Combined second and third periodic reports of the Gambia (continued)
(CRC/C/GMB/2-3; CRC/C/GMB/Q/2-3 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Gambia took places at the Committee table.*

2. **Ms. Secka** (Gambia), responding to questions raised at the 1943rd meeting, said that unaccompanied minors on the move in the Gambia were placed in the care of the Department of Social Welfare. As most of the children were from Liberia and Sierra Leone and both those countries were fellow members of the West Africa Network for the Protection of Children, the usual procedure was to contact the Network focal point in the child's country of origin to assess the possibility of family reintegration. If reintegration was not possible or considered contrary to the child's best interests, an alternative placement would be sought. The West Africa Network provided funding and support throughout the process, thereby protecting children against the risk of trafficking. The Network focal points met annually to discuss strategy and how to improve protection.

3. To combat corruption, the Government had adopted an Anti-Corruption Act and established an anti-corruption commission. The National Assembly's public finance committee scrutinized budget implementation in all public institutions, and legal proceedings were initiated when irregularities were identified. Taking a longer-term perspective, the authorities were working with schools and children's associations to develop life skills and raise awareness of the value of work and learning.

4. Responding to a series of questions from **the Chairperson** concerning trafficking in human beings and the lack of investigations and prosecutions thereof, she confirmed the existence of a law against trafficking in persons, a national anti-trafficking agency and a national plan of action against trafficking. The Government reported annually to the counter-trafficking unit of the Commission of the Economic Community of Central African States (ECOWAS) on progress made and measures adopted. Such measures included awareness-raising campaigns and training for border control officers. To support that work, community-level child protection committees which monitored the movement of children in high-risk border areas had been established. The movement of unaccompanied minors in airports was also tightly monitored and the country's airports were extremely secure. The problem of internal trafficking had been largely resolved as a result of a funding project which had brought *talibes*, or children under local Islamic tutelage, back to school and put an end to their itinerant lifestyles.

5. No trafficking cases had been taken to court, because there had been insufficient evidence to prosecute, but all cases were duly investigated. An inter-agency task force which included police and child protection officers met monthly to discuss strategy and share information. Police officers also met monthly with the focal points of the West Africa Network and worked closely with local authorities. Thus, the focus was on awareness-raising, prevention and protection rather than prosecution.

6. The definition of trafficking in human beings established in the Trafficking in Persons Act 2007 encompassed all forms of trafficking, including trafficking for purposes of sexual exploitation or labour.

7. **Mr. Gastaud** asked whether adequate measures had been adopted to ensure that street children were removed from the streets and returned to school, whether the practical measures were accompanied by awareness-raising and support to address the root causes of the problem and what became of street children who were foreign nationals. He also

enquired whether parents and educators respected children's right to participate in sports and leisure activities, as established in section 16 of the Children's Act, or whether, instead, children were routinely required to work in the fields or otherwise assist their parents at the end of the school day.

8. **Ms. Secka** (Gambia) said that all carers and parents were aware of the right to leisure, and children were encouraged to participate in extracurricular activities. Responding to a question from **Ms. Muhamad Shariff**, she confirmed that parents who failed to send their children to school were considered to be acting against the child's best interest and could face legal action. No prosecutions had been brought to date as the relevant provisions had been introduced only in September 2014.

9. **Ms. Herczog**, pointing out that if children were likely to face abuse or discrimination at school, then parents might justifiably be unwilling to send them there, asked what was being done to guarantee a friendly and welcoming school environment for all. That was all the more important since corporal punishment was permitted by law in the Gambia.

10. **Ms. Secka** (Gambia) said that focal points were being trained to monitor conditions in the schools in vulnerable communities, and that approach would ultimately be extended nationwide. The aim was to make the school environment safe, protective and as conducive to learning as possible. Teachers who violated children's rights were prosecuted. A dedicated girls' education unit and numerous mothers' clubs had been established to promote girls' enrolment, and a child protection communications strategy had been developed to foster cooperation between community actors and child protection agencies.

11. Responding to a question from **the Chairperson**, she said that children could still be seen in the street in the Gambia during the day, but they returned to their families at night. Most of the children were sent into the streets to earn money. Campaigns were under way to make parents aware of the importance of school attendance: the aim was to have all children off the street and in school by September 2015. Street children who were foreign nationals were placed in care homes or foster families in the Gambia if appropriate care could not be found in their country of origin.

12. **The Chairperson** asked for an update on the ratification of the Convention on the Rights of Persons with Disabilities and the State party's plans, if any, for ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

13. **Ms. Secka** (Gambia) said that, following certain administrative delays, the instrument of ratification of the Convention on the Rights of Persons with Disabilities had been formally deposited with the United Nations in recent weeks, as had the ratification instrument for the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Optional Protocol on a communications procedure would certainly be ratified but no time frame had been set. The authorities were at present working to ensure the timely submission of all reports pending under duly ratified treaties.

14. **Ms. Muhamad Shariff** (Country Rapporteur) said the fact that nine executions had been carried out in the Gambia in 2012, after a moratorium of nearly three decades, was of grave concern, all the more so since family members had apparently not been informed in advance. Clarification regarding procedures for communication with the families of death row prisoners would therefore be appreciated. She also wished to know: whether it might be possible to amend the Children's Act to exclude women with small children from the death penalty; whether data were collected about parents on death row with children; whether those children received support and assistance; whether the best interests of the child were taken into account in criminal proceedings involving parents; and how the State

party ensured that children of convicted parents did not suffer discrimination. Lastly, she asked for comments on reports that the President of the Gambia was launching a treatment programme that allegedly offered a cure for HIV/AIDS and other incurable diseases such as breast cancer.

15. **Ms. Secka** (Gambia) said that there were no children on death row and no child had ever been executed. Children whose parents were involved in criminal proceedings were supported throughout. If a child's parent received the death penalty, psychosocial counselling and educational assistance were provided.

16. A traditional medicine-based treatment programme would indeed be launched in the near future. Traditional medicine was an integral and accepted part of Gambian health policy, but she could not comment on the content of the programme or the expected outcomes.

17. **Ms. Herczog** asked whether there was evidence to substantiate the President's claim that traditional medicine could be used as an effective cure for HIV/AIDS and some forms of cancer and whether persons afflicted with those diseases had access to other, more conventional forms of treatment.

18. **The Chairperson** asked whether the campaign promoting traditional medicines as a cure for HIV/AIDS was still going on.

19. **Ms. Secka** (Gambia) said that traditional medicines were offered alongside conventional forms of treatment to patients with HIV/AIDS or breast, cervical or prostate cancer. Patients could choose the most appropriate treatment option and were not forced to use traditional medicines. Ongoing information campaigns about both traditional and conventional medicines enabled patients to make an informed decision on their treatment options. The country received support from the Global Fund to Fight AIDS, Tuberculosis and Malaria for HIV/AIDS treatments and from other international partners for cervical, breast and prostate cancer treatments. Health experts were invited regularly on national radio to discuss cancer and HIV/AIDS treatment options, and a mobile screening unit for cervical and breast cancer had recently been introduced.

20. **The Chairperson** asked whether the Government had yet adopted the National Plan of Action to Combat Female Genital Mutilation.

21. **Ms. Secka** (Gambia) said that the Government had adopted the plan of action and had established a working group to monitor its implementation.

22. **The Chairperson** expressed concern at the low staffing levels within the special needs education unit, the absence of ramps in older school buildings, the lack of training on disability issues for teachers and the failure to provide access to education for children with disabilities in rural areas. She asked what measures would be taken in future to improve access to mainstream education for children with disabilities and what proportion of the national budget was currently allocated for that purpose.

23. **Ms. Secka** (Gambia) said that the Government intended to increase the number of special needs schools for children with disabilities, particularly in rural areas, and would ensure that older schools were fitted with ramps. The special needs education unit held regular intersectoral meetings on disability issues and received support from other government ministries. The Ministry of Education intended to train more teachers on disability issues to enable more children with less severe disabilities to attend mainstream schools. The Government also received support from the United Nations Children's Fund (UNICEF) and other bilateral partners to ensure that children with disabilities had access to education.

24. **Mr. Gastaud** asked whether children could exercise their right to freedom of association and requested further information on the number and type of children's associations in the Gambia.

25. **Ms. Secka** (Gambia) confirmed that children could fully exercise their right to freedom of association. The Government as well as NGOs provided significant technical and financial support to children's associations and encouraged children to participate actively in national discussions on a variety of child welfare issues.

26. **The Chairperson** asked whether the Government provided identity documents to young refugees arriving in the Gambia as well as to children born to refugee parents in the Gambia.

27. **Ms. Secka** (Gambia) said that children born to refugee parents in the Gambia were eligible for Gambian birth certificates.

28. **Ms. Muhamad Shariff**, noting that there was a large backlog in birth registrations, asked what measures had been taken to address the issue and ensure the prompt registration of all births in future.

29. **Ms. Secka** (Gambia) said that the Birth Registration Programme had been introduced to address the backlog; it comprised awareness-raising campaigns on the importance of prompt birth registration. Birth registration had also been made a key priority under the National Social Protection Policy.

30. **The Chairperson** asked whether the National Social Protection Policy had already been adopted, whether it was well suited to addressing child welfare issues and whether the Government had sufficient funds for its implementation.

31. **Ms. Secka** (Gambia) said that the policy had recently been finalized and would soon be put before Parliament. There was widespread support for the policy at all levels; in his recent address to the nation, the President had expressed his unwavering commitment to the full implementation of child-friendly social protection measures. The policy had been subjected to lengthy and in-depth negotiations and consultations at the local and national levels and took into account the views and wishes of children's and women's groups and traditional community leaders. The Government and its international partners were satisfied with the contents of the policy, which would ensure the promotion and protection of children's rights across the country. At a recent social protection forum, delegates from a variety of countries had agreed to provide support for the policy over the course of the next three years. Implementation of the policy would require only a slight increase in GDP spending on social welfare, from the current level of 2.2 per cent to around 3.4 per cent, a domestic funding effort that would be supplemented by the international support that had been pledged.

32. **Ms. Khazova** asked whether the Government faced any strong opposition in its efforts to fully implement the Convention and protect and uphold children's rights. She also wished to know whether the general public had reacted favourably to the changes made to domestic legislation in respect of children's rights.

33. **Ms. Secka** (Gambia) said that there was a strong political will to fully implement the principles and provisions of the Convention. The Government had come across some reluctance in traditional, rural communities, but the National Child Protection Strategy contained awareness-raising and training measures which would help to bring about a change in societal attitudes and ensure respect for children's rights.

34. **Ms. Herczog** (Country Rapporteur) congratulated the State party on its achievements in the area of child health and education and on the general implementation and awareness-raising measures taken. However, additional efforts would be required

before the Convention could be fully implemented, including the development of a more comprehensive system for upholding children's rights and strengthened coordination between all relevant stakeholders. Child protection concerns had also yet to be addressed, in particular regarding the elimination of traditional cultural practices which negatively affected children's health and day-to-day lives. Children made up almost half of the population, and work to improve their well-being would greatly impact on the future success and prosperity of the country.

35. She urged the Government to take the necessary steps to ensure that the National Commission on Children's Rights assumed its functions at the earliest possible opportunity and to guarantee that the new domestic legislation on children's rights was effectively implemented, an endeavour in which improvements in data collection would play a key role. Efforts must also be made to uphold the rights of the most vulnerable children in society, including children with disabilities and child refugees, and to improve cooperation with NGO workers and human rights defenders.

36. **Ms. Secka** (Gambia) said that her country remained fully committed to implementing the Convention and would take appropriate steps to promote and protect children's rights. The Government looked forward to receiving the Committee's concluding observations.

37. **The Chairperson** thanked the delegation for participating in such a constructive and fruitful dialogue and urged it to continue working towards the full implementation of the Convention.

The discussion covered in the summary record ended at 11.00 a.m.